

BROOKS, PIERCE, McLENDON, HUMPHREY & LEONARD, L.L.P.

ATTORNEYS AT LAW

RALEIGH, NORTH CAROLINA

MAILING ADDRESS
POST OFFICE BOX 1800
RALEIGH, N.C. 27602

OFFICE ADDRESS
1600 WACHOVIA CAPITOL CENTER
150 FAYETTEVILLE STREET MALL
RALEIGH, N.C. 27601

TELEPHONE (919) 839-0300
FACSIMILE (919) 839-0304

WWW.BROOKSPIERCE.COM

HENRY E. FRYE
OF COUNSEL

J. LEE LLOYD
SPECIAL COUNSEL

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AUBREY L. BROOKS (1872-1958)
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GREENSBORO OFFICE
2000 RENAISSANCE PLAZA
230 NORTH ELM STREET
GREENSBORO, N.C. 27401

WASHINGTON OFFICE
601 PENNSYLVANIA AVENUE, N.W.
SUITE 900, SOUTH BUILDING
WASHINGTON, D.C. 20004

WRITER'S DIRECT DIAL

L.P. McLENDON, JR.
EDGAR B. FISHER, JR.
W. ERWIN FULLER, JR.
JAMES T. WILLIAMS, JR.
WADE H. HARGROVE
M. DANIEL MCGINN
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KATHLEEN A. GLEASON
JANICE L. KOPEC
SUSAN M. YOUNG

June 30, 2005

VIA OVERNIGHT MAIL AND ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, MD 20743

c/o Mellon Client Service Center
500 Ross Street, Room 670
Pittsburgh, Pennsylvania 15262-0001

Attention: Lockbox Number 358165

Re: **WPBF-DT, Tequesta, Florida**
MB Docket No. 03-15
Supplement to Maximization Waiver Request and
Request for Extension of Special Temporary Authority

Dear Ms. Dortch:

On behalf of WPBF-TV Company ("Hearst"), permittee of Digital Television Station WPBF-DT, Tequesta, Florida, this letter shall serve as a supplement to Hearst's "use-it-or-lose-it" maximization waiver request (filed by letter dated May 10, 2005) for the purpose of providing the information requested

Ms. Marlene H. Dortch
June 30, 2005
Page 2

in the Commission's June 15, 2005, Public Notice, DA 05-1636. As certified in its Form 381 filing (FCC File No. BCERCT-20041105ABP), Hearst intends to operate its post-transition DTV station based on its maximized facilities as authorized by its construction permit in FCC File No. BPCDT-19991101AEG.

This letter shall also serve as a request by Hearst for an extension of special temporary authority ("STA") to operate WPBF-DT at maximum authorized power and at reduced HAAT during the pendency of Hearst's maximization waiver request. The Commission last extended Hearst's STA on March 17, 2005, for a term expiring July 1, 2005 (BMDSTA-20050311AEZ). The STA expiration is concomitant with the use-it-or-lose-it maximization deadline.

A copy of Hearst's May 10, 2005, maximization waiver request is enclosed. Also enclosed is an engineering statement from Hearst's consulting engineer which provides further information in support of Hearst's waiver request.

As indicated in the waiver request filed May 10, 2005, it is physically impossible for Hearst to construct its DTV top-mount maximized facility until its top-mount NTSC antenna is removed at the end of the DTV transition. However, Hearst is presently operating its DTV facility at maximum permissible power from its STA authorized HAAT. As further detailed in the attached engineering statement, Hearst's current DTV STA operation covers approximately 93.3 percent of WPBF-DT's predicted maximized coverage.

Were Hearst required to fully comply with the July 1, 2005, deadline, Hearst would have to expend considerable costs to move its NTSC antenna to a lower level on the tower. These costs, which would include the cost of purchasing an NTSC side-mount antenna, installation and reworking the transmission line, would be "sunk costs" in equipment and labor that will only be useful until the DTV transition is complete. Furthermore, because compliance with the July 1, 2005 deadline would require Hearst to lower its NTSC antenna, compliance would result in a loss of NTSC service to approximately 82,246 viewers.

Hearst is, of course, dedicated to digital television and will be able to complete installation of WPBF-DT's maximized DTV facility and fully comply with the maximization requirement after analog operation terminates.

During the pendency of Hearst's maximization waiver request, Hearst requests extension of its DTV STA. This extension request proposes continued operation with the station's maximum authorized ERP and the HAAT reduced to 525 meters. The STA operation is otherwise consistent with that permitted by Hearst's DTV construction permit (FCC File No. BPCDT-19991101AEG).

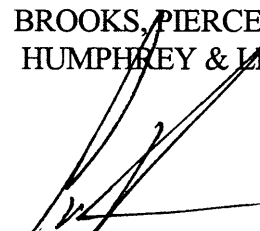
Enclosed are an FCC Form 159 completed with credit card authorization to cover the requisite STA filing fee and an Anti-Drug Abuse Act Certification.

Ms. Marlene H. Dortch
June 30, 2005
Page 3

If any questions should arise during the course of your consideration of this request, it is respectfully requested that you communicate with this office.

Sincerely,

BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.



Mark J. Prak
Coe W. Ramsey
Counsel to WPBF-TV Company

Enclosures

cc: Shaun Maher, FCC (via email and hand delivery)
Vernese O'Bryant, FCC (via email)
Nazifa Sawez, FCC (via email)
Nai Tam, FCC (via email)

BERNARD R. SPICAI, P. E.
CONSULTING ENGINEER
KENSINGTON, MARYLAND

ENGINEERING STATEMENT
DTV BUILD OUT DEADLINE WAIVER SUPPORT
WPBF-TV COMPANY
STATION WPBF-DT, TEQUESTA, FLORIDA

WPBF-TV Company is the permittee in BPCDT-19991101AEG for the construction of a new DTV facility for Station WPBF, Tequesta, Florida. The construction authorization is for operation on Ch. 16 with maximum effective radiated power of 1000 kW. A directional antenna is authorized and the specified antenna radiation center height above the average terrain is 454 meters.

Pending completion of the authorized construction, Station WPBF-DT is operating pursuant to a Special Temporary Authorization (STA). The STA, File No. BMDSTA-20050311AEZ, is for operation on Ch. 16 with maximum effective radiated power of 1000 kW and antenna radiation center height above average terrain of 425 meters. The STA operation is from the same site as authorized in the outstanding construction permit, and with the same directional antenna and orientation as for the construction permit. The same tower, also, supports the antenna for the NTSC, Ch. 25, operation of Station WPBF.

The authorized construction for WPBF-DT is not yet completed. The instant Engineering Statement provides support for a request for waiver of the July 1, 2005, deadline that is needed to preserve the right to carry-over interference protection for the WPBF-DT maximized service on Channel 16.

In support of the waiver request, this Engineering Statement demonstrates that the service provided by the current STA operation for WPBF-DT, essentially, replicates the authorized service. In further support for the waiver, it is shown that if the build out for WPBF-DT were required at this time, then, in order to maintain service continuity for WPBF, a temporary side-mount antenna installation would be required that would result in a loss of WPBF NTSC Grade B, or better, service to more than 80,000 persons.

Figure 1 is a map that compares the 41 dBu, F(50,90) noise-limited service contour for the WPBF-DT STA operation with the 41 dBu, F(50,90) contour authorized pursuant to the outstanding WPBF-DT construction permit. The two contours are almost contiguous. The population included within the STA noise-limited service area is 2,359,314. The population within the CP noise-limited service area is 2,529,151. The STA noise-limited contour encompasses 93.3 % of the population that resides within the noise-limited contour for the CP facility. The respective contour areas are 29,406 km² and 30,694 km². The STA noise-limited contour envelops 95.8 % of the area encompassed by the CP noise-limited contour. The areas that are given include water.

The ultimate location for the antenna that is now employed for the WPBF-DT STA operation is the top of the tower. It will supplant the antenna for WPBF's, Ch. 25, NTSC operation. If the build out has to take place in advance of the final transition deadline, some provision for the continuance of the WPBF operation would be needed. Since there is no auxiliary antenna for WPBF in place, and the transmission line that is in place for the WPBF-DT, Ch. 16, STA operation can work, as well, for a temporary Ch. 25 installation, then, from an engineering perspective, an interchange of the WPBF top-mounted antenna for the WPBF-DT side-mounted antenna is logical.

Figure 2 compares the Grade B contour for the WPBF licensed operation to the Grade B contour for a prospective side-mounted STA operation for WPBF. The maximum ERP for the STA would be 5000 kW, and the antenna radiation center would be 432 meters above mean sea level. A power level of 5000 kW is the maximum that is permitted for a NTSC station on a UHF channel. The number of persons included within the WPBF Grade B contour for the licensed operation is 1,764,953 persons. The area within this Grade B contour is 22,090 km². The Grade B contour for the prospective STA operation includes 1,682,707 persons in an area of 21,148 km². Thus, 82,246

BERNARD R. SEGAL, P. E.
CONSULTING ENGINEER
BETHESDA, MARYLAND

Engineering Statement
DTV Build Out Deadline Waiver Support
Station WPBF-DT, Tequesta, Florida

Page 3

persons in 942 km² would no longer have available NTSC service of Grade B, or better, from WPBF. The foregoing areas include water.

In preparing the maps of Figures 1 and 2, the distances to contours were determined from an algorithm developed by EDX. The algorithm employs terrain profile data from the U.S.G.S. 3 arc-second terrain elevation database. The populations were determined by means of a computer program that includes in the database the geographic coordinates for the centroids of census divisions and places within the divisions. The 2000 Census populations are included in the database, also. If the centroid is located within the contour for which the tally is being made, then the population is included in the enumeration. The areas were determined by a computer program that uses an integration methodology.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 22, 2005.

Bernard R. Segal, P. E.
Bernard R. Segal, P. E.

FIGURE 1

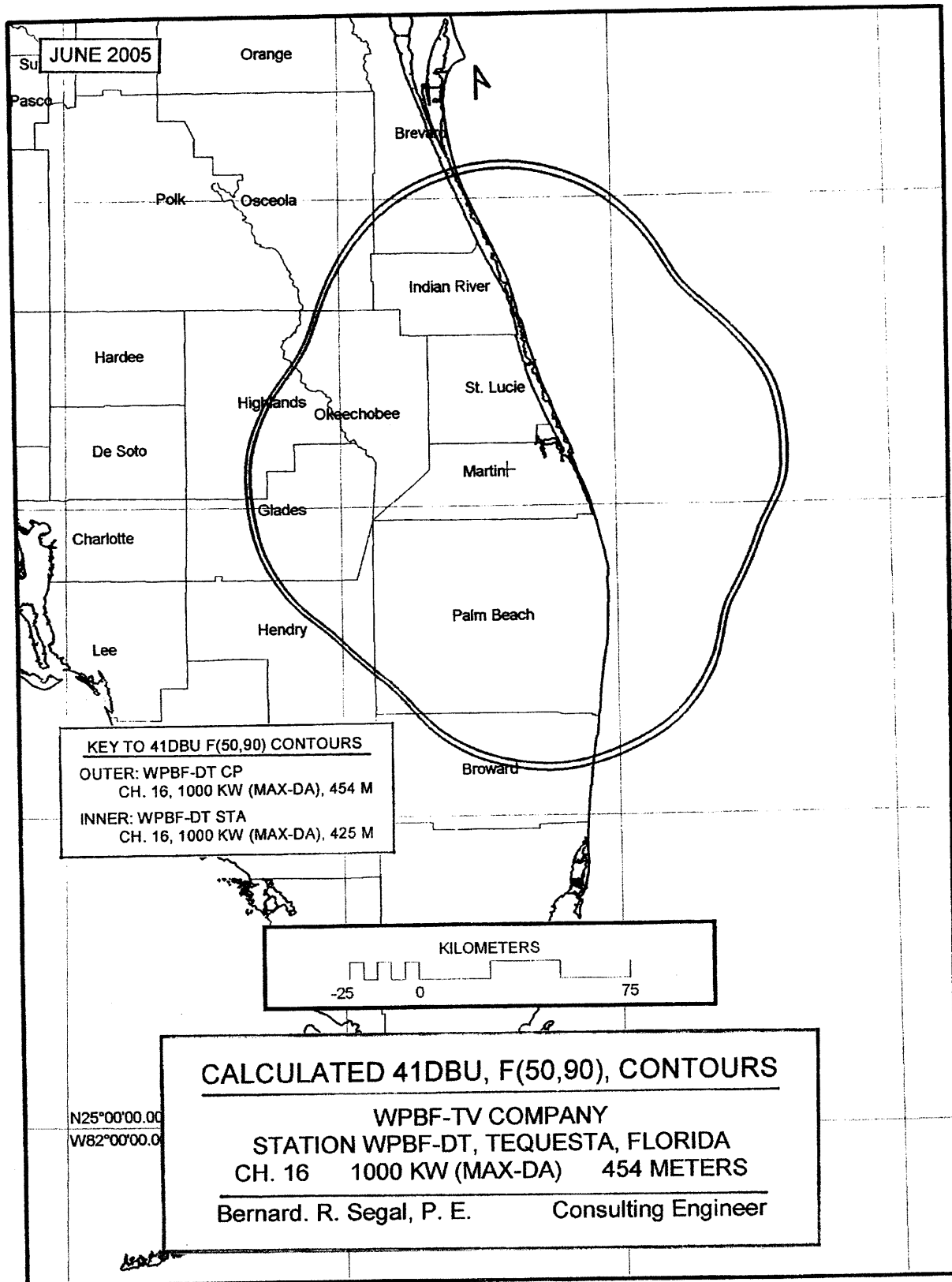
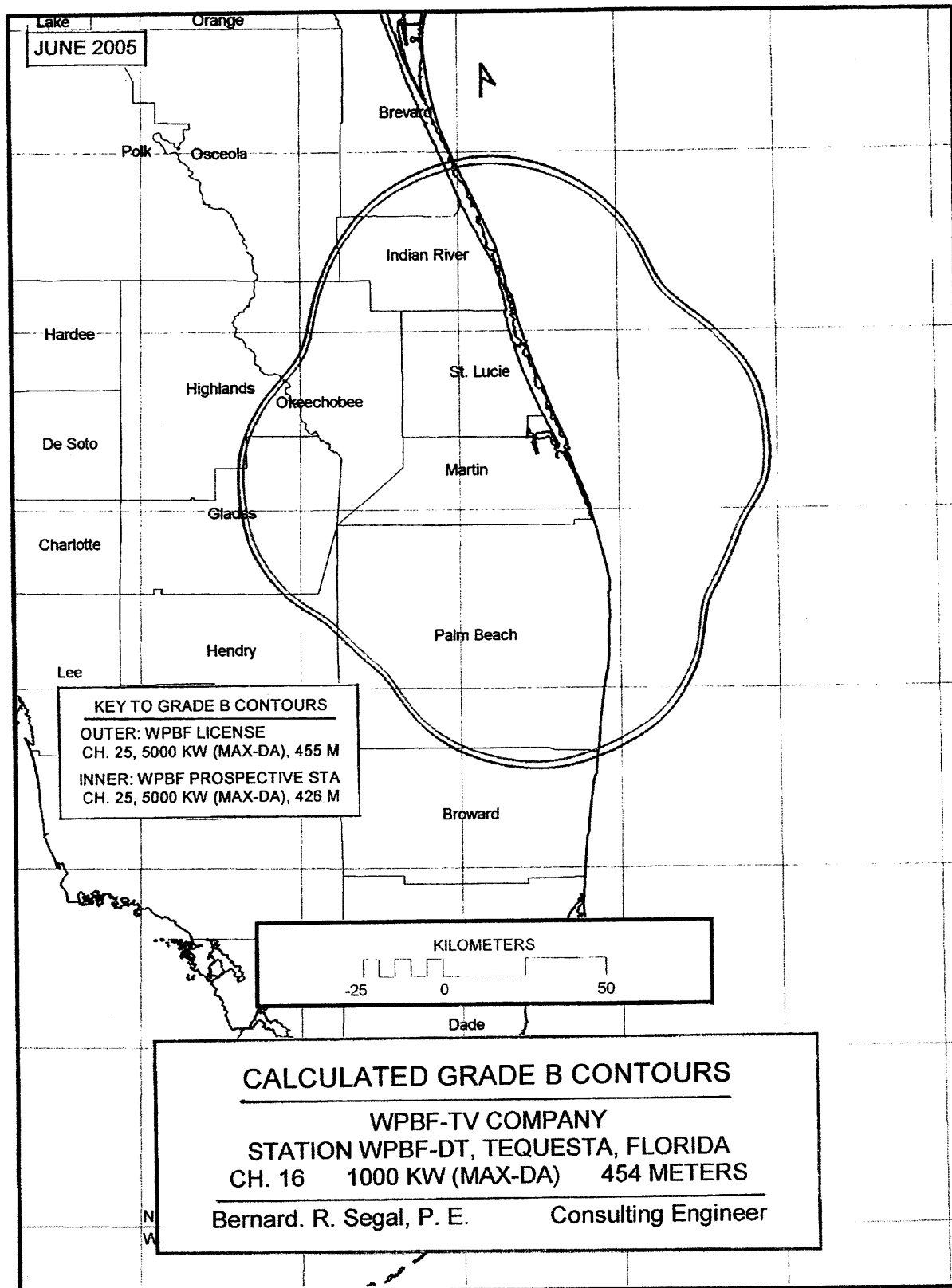


FIGURE 2



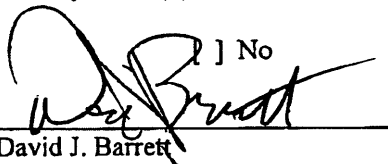
ANTI-DRUG ABUSE ACT CERTIFICATION

By checking "Yes", the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, refer to 47 C.F.R. §1.2002(b).

☒ Yes☐ No

WPBF-TV Company
Licensee

Date: June 20, 2005


Name: David J. Barrett
Title: President

READ INSTRUCTIONS CAREFULLY BEFORE PROCEEDING		FEDERAL COMMUNICATIONS COMMISSION REMITTANCE ADVICE		Approved by OMB 3060-0589 Page No <u>1</u> of <u>1</u>	
(1) LOCKBOX # 358165				SPECIAL USE FCC USE ONLY	
SECTION A - PAYER INFORMATION					
(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card) Hearst-Argyle Television, Inc.				(3) TOTAL AMOUNT PAID (U.S. Dollars and cents) \$150.00	
(4) STREET ADDRESS LINE NO. 1 c/o Brooks, Pierce, et. al.					
(5) STREET ADDRESS LINE NO. 2 PO Box 1800					
(6) CITY Raleigh				(7) STATE NC	(8) ZIP CODE 27602
(9) DAYTIME TELEPHONE NUMBER (include area code) (919) 839-0300			(10) COUNTRY CODE (if not in U.S.A.)		
FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED					
(11) PAYER (FRN) 0001675974			(12) PAYER (TIN) 742717523		
IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)					
(13) APPLICANT NAME WPBF TV Company					
(14) STREET ADDRESS LINE NO. 1 Same as above					
(15) STREET ADDRESS LINE NO. 2					
(16) CITY				(17) STATE	(18) ZIP CODE
(19) DAYTIME TELEPHONE NUMBER (include area code)			(20) COUNTRY CODE (if not in U.S.A.)		
FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED					
(21) APPLICANT (FRN) 0003296936			(22) APPLICANT (TIN) 223654607		
COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET					
(23A) CALL SIGN/OTHER ID WPBF-DT		(24A) PAYMENT TYPE CODE MGT		(25A) QUANTITY 1	
(26A) FEE DUE FOR (PTC) \$150.00	(27A) TOTAL FEE \$150.00		FCC USE ONLY		
(28A) FCC CODE 1		(29A) FCC CODE 2			
(23B) CALL SIGN/OTHER ID		(24B) PAYMENT TYPE CODE		(25B) QUANTITY	
(26B) FEE DUE FOR (PTC)	(27B) TOTAL FEE		FCC USE ONLY		
(28B) FCC CODE 1		(29B) FCC CODE 2			
SECTION D - CERTIFICATION					
(30) CERTIFICATION STATEMENT I, Alvin R. Lustgarten , certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief. SIGNATURE <u><i>Alvin R. Lustgarten</i></u> DATE <u>6/23/2005</u>					
SECTION E - CREDIT CARD PAYMENT INFORMATION					
(31) <input checked="" type="checkbox"/> MASTERCARD		MASTERCARD/VISA ACCOUNT NUMBER: 5569-3170-0007-2611		EXPIRATION DATE: 5/08	
I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s)/authorization herein described.					
<input type="checkbox"/> VISA		SIGNATURE <u><i>Alvin R. Lustgarten</i></u>		DATE <u>6/23/2005</u>	

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May 10, 2005

EXPEDITED PROCESSING REQUESTED

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, MD 20743

RECEIVED

MAY 10 2005

Federal Communications Commission
Office of Secretary

**Re: WPBF-DT, Tequesta, FL
Request for Maximization/Replication Waiver**

Dear Ms. Dortch:

On behalf of WPBF-TV Company ("Hearst-Argyle" or "WPBF"), the license of WPBF(TV), Tequesta, FL, this letter shall serve as Hearst-Argyle's request for waiver of the Commission's use-it-or-lose-it maximization/replication deadline of July 1, 2005. *See Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Report and Order, FCC 04-192 (Rel. Sept. 7, 2004) ("DTV R&O"), at ¶¶ 83, 87.

As certified in its Form 381 filing (FCC File No. BCERCT-20041105ABP), WPBF intends to operate its post-transition DTV station based on its maximized facilities as authorized by its construction permit in FCC File No. BPCDT-19991101AEG. The parameters of WPBF's maximized facilities assume a top-mount DTV antenna and are as follows:

<i>Maximized Construction Permit</i>		
Channel	ERP	HAAT
16	1000 kW	454 meters

WPBF is presently operating its DTV facility pursuant to its DTV STA in FCC File No. BMDSTA-20050311AEZ using a side-mount DTV antenna in accordance with the following parameters:

<i>Current STA Operation</i>		
Channel	ERP	HAAT
16	1000 kW	425 meters

Pursuant to FCC File No. BLCT-19990817LC, WPBF's NTSC antenna is located at 455 meters HAAT on the same tower that is specified in WPBF's DTV construction permit. Because Hearst-Argyle's NTSC antenna will need to remain in operation during the DTV transition, it is physically impossible for WPBF to construct its DTV top-mount maximized facility at 454 meters until the top-mount NTSC antenna is removed. Hearst-Argyle notified the Commission that it would be filing the instant waiver request in connection with its FCC Form 381 filing.

In the *DTV R&O*, the Commission stated that it "will establish a limited waiver process and grant extensions of the applicable replication or maximization interference protection deadline on a six-month basis if good cause is shown." *DTV R&O*, at ¶ 87. Stations "that cannot build out for reasons beyond their control" may seek a waiver. *DTV R&O*, at ¶ 83. The instant case clearly presents a circumstance beyond Hearst-Argyle's control, as it is physically impossible to top mount WPBF-DT's antenna until the end of the DTV transition at which time WPBF's top-mount NTSC antenna may be removed.

Grant of the instant waiver request would not undermine the digital transition and unwavering enforcement of the use-it-or-lose-it maximization/replication deadline against WPBF would be inequitable and contrary to reason and the public interest. Absent a waiver, Hearst-Argyle would be required to remove and relocate its NTSC antenna, which would likely require Hearst-Argyle to purchase a side-mount antenna for its temporary NTSC operation. Not only would such modification to WPBF's NTSC facility involve a sunk cost in equipment that will only be useful until the DTV transition is complete, but such modification would likely involve a reduction of

Marlene H. Dortch
May 10, 2005
Page 3

WPBF's NTSC height and power, and thus, result in a loss of NTSC service to some of WPBF's viewers.

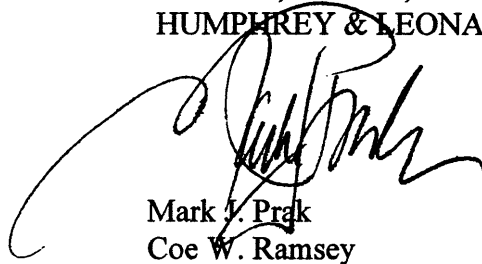
Though it is physically impossible for WPBF to operate its DTV station at its allotted HAAT until the DTV transition is complete, Hearst-Argyle is, of course, dedicated to digital television and is operating its facility at maximum permissible power from its currently authorized, albeit lower, HAAT.

For the foregoing reasons, Hearst-Argyle believes that a waiver of the Commission's use-it-or-lose-it maximization/replication deadline is warranted in this case and is necessary or otherwise in the public interest.

If any questions should arise during the course of your consideration of this request, it is respectfully requested that you communicate with this office.

Sincerely,

BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.

A handwritten signature in black ink, appearing to read 'Mark J. Prag', is written over the typed name and title.

Mark J. Prag
Coe W. Ramsey
Counsel to WPBF-TV Company

cc: Clay Pendarvis, FCC (via email)
Nazifa Sawez, FCC (via hand delivery)